

**Appl. No. : 10/667,231**  
**Filed : September 17, 2003**

#### REMARKS

In response to the Office Action mailed April 21, 2004, the Applicants request entry of the following amendments to the claims and consideration of the following remarks. Applicants have amended Claims 1 and 5, canceled Claim 2, and added new Claims 7-10.

#### **Examiner's Rejection of Claims 1-3, 5, and 6**

The Examiner rejected Claims 1-3, 5 and 6 as being anticipated by the 9's UP reference. Applicants submit that Claim 1 is allowable because the 9's UP reference does not teach the limitation of adding the value of non-paired cards and dropping the most significant digit if the total is over 10 in value. As specified on the left hand side of the first page of the 9's UP reference, non-pair hands are arranged using the face card value in an attempt to total 9. Based on this difference, Claim 1 is allowable over the 9's UP reference. Claims 2-4, which depend from amended Claim 1, are allowable for the same reason.

Claim 5 includes the requirement that the deck of cards does not include face cards, and that each card is associated with a numeric value from 1 to 10. The cited prior art does not disclose this limitation. As such, the cited reference cannot anticipate Claim 5. In addition, it would not have been obvious to use nor do the cited reference teach use of a deck of cards that does not include face cards. Applicants submit that Claim 5 is thus allowable, as is Claims 6 and 7, which depend from Claim 5.

#### **Examiner's Rejection of Claim 4**

Claim 4 is submitted as being allowable based on the allowability of independent Claim 1, as discussed above.

#### **New Claims**

Applicants have added new Claims 7-10. Claim 7 is asserted to be allowable based on the allowability of Claim 5, from which it depends, as was discussed above. Claim 8, and the claims which depend there from, are asserted to be allowable based on the limitation that reads:

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wherein each card has a single numeric value associated therewith  
and the numeric values range in value from zero to some number  
N, where N equals any whole number;

The cited prior art does not teach associating a single numeric value with a card. Thus, Claim 8 teaches use a deck of cards without face cards (court cards). This is in contrast to the cited references, namely the 9's UP reference, and the Potter reference, which teach use of face cards or teach not associating a single numeric value with a card. For example, the 9's UP reference teaches use of face cards (see the left hand side of the first page).

Using a deck of cards without face cards (court cards) provides the advantage of a less complex game due to the lack of face cards whose arbitrarily assigned value may be hard to remember for new players. Moreover, removal of the face cards speeds game play, thereby increasing house revenue over time.

Claims 9 and 10 are allowable because none of the cited references teach a game having the elements of Claim 8 with the added limitation of a joker card or summing the card values, or do not provide a motivation to combine such references to create the claimed game.

#### SUMMARY

Applicant asserts that Claims 1 and 3-10 are in a condition for allowance and respectfully requests a notice as to the same. If any matters remain outstanding, the Examiner is invited to contact the undersigned by telephone.

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Respectfully submitted,  
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